

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL PITTAS

CIVIL DIVISION

Plaintiff,

G. D. No. 17-009069

v.

PETER HODGE TRANSPORT, LTD. and
MATTHEW LEGAULT

Defendants.

NOTICE OF REMOVAL

AND NOW, come Defendants, Peter Hodge Transport, Ltd. and Matthew Legault, by and through their attorneys, Dickie, McCamey & Chilcote, P.C. and Joseph L. Luvara, Esq. and pursuant to 28 U.S.C. §§ 1441 *et seq.*, set forth the following in support of this Notice of Removal of the above-captioned action to the United States District Court for the Western District of Pennsylvania.

1. Plaintiff commenced an action in negligence in the Court of Common Pleas of Allegheny County on June 22, 2017, currently pending and captioned as *Michael Pippas vs. Peter Hodge Transport, Ltd. and Matthew Legault* at G.D. 17-009069.

2. The Complaint alleges that a vehicular accident occurred on April 12, 2016 on State Route 51 in Allegheny County, Pennsylvania.

3. The action involves a controversy between citizens of a foreign state as follows:

- a) Plaintiff is a citizen of the Commonwealth of Pennsylvania, residing in Allegheny County, Pennsylvania;
- b) Defendant Peter Hodge Transport, Ltd. is a Canadian corporation with its principal place of business located at 100 Market Drive, Milton, Ontario, Canada L9T 3A5;
- c) Defendant Matthew Legault is a Canadian citizen who resides at 255 Willson Road, Apt. 502, Welland, Ontario, Canada L3C 5R5.

4. This action is one in which the District Courts of the United States possess original jurisdiction under 28 U.S.C. 1332 as complete diversity exists among the Plaintiff and the Defendants, both at the time the Complaint was filed and at the time of removal and, upon information and belief, Plaintiff alleges injuries and damages which can exceed the sum or value of \$75,000.00, exclusive of interest and costs.

5. This Notice of Removal is filed within 30 days of Plaintiff filing the Complaint and within thirty days of Defendant's receipt of the Complaint at which time Defendants ascertained that this action is one which is removable.

6. Written notice of the filing of this Notice of Removal will be promptly served upon Plaintiff after the filing of the Notice with the United States District Court for the Western District of Pennsylvania, as required by law.

7. A true and correct copy of this Notice of Removal will be filed with the Department of Court Records of the Court of Common Pleas of Allegheny County,

Pennsylvania, promptly after the filing of the Notice with United States District Court for the Western District of Pennsylvania, as required by law.

8. Attached hereto as Exhibit "A" are true and correct copies of all pleadings filed in this action in the Court of Common Pleas of Allegheny County, Pennsylvania, which consists of the Plaintiff's Complaint and the Praecipe for Appearance of undersigned counsel on behalf of both Defendants.

9. By filing of this Notice of Removal, Defendants do not waive any defenses which may be available to them.

WHEREFORE, Defendants, Peter Hodge Transport, Ltd. and Matthew Legault respectfully request this Honorable Court to mandate jurisdiction of this removed action.

JURY TRIAL DEMANDED

Respectfully submitted,

DICKIE, McCAMEY & CHILCOTE, P.C.

/s/ Joseph L. Luvara, Esq.

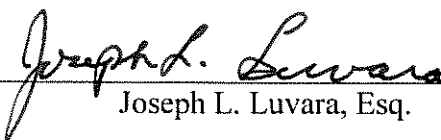
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Attorneys for Defendants, Peter Hodge
Transport, Ltd. and Matthew Legault

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: ss
COUNTY OF ALLEGHENY :

BEFORE ME, the undersigned authority for the said Commonwealth and County, did personally appear Joseph L. Luvara, Esq. who, being duly sworn according to law, deposes and says that matters set forth in support of the foregoing Notice of Removal are true and correct to the best of his knowledge, information and belief.


Joseph L. Luvara, Esq.

SWORN TO AND SUBSCRIBED

before me this 19th day
of July, 2017


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Susan M. Merhaut, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Jan. 16, 2020
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

CERTIFICATE OF SERVICE

I, Joseph L. Luvara, Esq., hereby certify that true and correct copies of the foregoing Notice of Removal have been served this 19th day of July, 2017, via hand-delivery to the following:

Department of Court Records
City County Building
414 Grant Street
Pittsburgh, PA 15219

and via U.S. mail, postage pre-paid to:

Jeffrey A. Pribanic, Esq.
Pribanic & Pribanic
1735 Lincoln Way
White Oak, PA 15131

DICKIE, McCAMEY & CHILCOTE, P.C.

By: /s/ Joseph L. Luvara, Esq.
Attorneys for Defendants